

May 14, 2020

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Dear Delaware Department of Natural Resources and Environmental Control,

This letter is in regard to the Subaqueous Lands Permits application submitted by 204 Salisbury Exchange, LLC to construct a 114 foot-long pier with two docks and four free-standing mooring pilings at 204 Salisbury Street, Dewey Beach, Sussex County, Delaware. I would like to submit the following comments in regard to the public hearing on April 20, 2020, to be taken into the record along with my comments submitted on October 2, 2019.

I am a property owner of the adjacent property, at 2007 Bayard Ave Unit 1, Dewey Beach. Our family has owned first a cottage and now a condo at that site on Head of Bay Cove for more than a half century. Head of Bay Cove is a small inlet at the north-eastern end of Rehoboth Bay. It extends about 400 feet in a roughly north-south axis, and about 600 feet east-west. The property at 204 Salisbury is along the northern side of Head of Bay Cove. Keeping these dimensions in mind, their pier would need to extend 400 feet simply to exit the waters of the cove.

Only ten parcels lie on along this cove. From west to east, they are: 302 and 300 Salisbury Street; a public access to the cove via Dodd Avenue; 208 Salisbury Street (these are in Rehoboth Beach while the remainder are in Dewey Beach); 204 Salisbury Street (the property pertaining to this permit application); the BayStrand II condos at 2007 Bayard Ave; the wetlands in front of Cajun Cove at 2009 Bayard Ave; the Bay Resort Motel at 126 Bellevue Street; the Delmarva Board Sports Waterfront Concession at 135 Dagworthy Street, and Ivy Restaurant at 136 Dagworthy Street.

Navigational Considerations Pertaining to Head of Bay Cove:

Mr. Scott Humphrey, the owner of the property at 204 Salisbury, noted that he had done considerable research into the types of boats that could navigate throughout Rehoboth Bay. He purchased a Chaparrel boat that could do so since it has an 18 inch draft.

What Mr. Humphrey did not take into consideration is that the conditions within Rehoboth Bay are not the conditions within Head of Bay Cove.

A century ago, Head of Bay Cove was navigable. Historic photographs in our condo show that the property that is now the Bay Resort Motel was a restaurant, with a very long pier extending into the cove and dozens of boats moored nearby (COVID restrictions have prevented me from

getting to the condo to enter this photo into the record). However, the last powerboats that were able to operate in Head of Bay Cove did so in the 1970s. By that time, shifting sands and sandbars within Head of Bay Cove made powerboat navigation impossible. The boats that have been able to navigate inside this Cove in the past half century have been kayaks, canoes, paddleboards, windsurfers, small sailboats like Sunfish with the centerboard raised, small catamarans like the Hobie Cat, and small rowboat-like boats with outboard motors.

→ The commonality with all these boats that have been able to navigate in Head of Bay Cove in the past half century is their very shallow draft — a draft of less than ten inches.

Thus, the boat that Mr. Humphrey has purchased for the Rehoboth Bay, with its 18 inches of draft, will not be able to operate within Head of Bay Cove without extensive dredging. The proposed pier, which will infringe on the rights of both current property owners and of the public, is designed to accommodate a boat that will not be navigable in these waters.

Interference with Public Rights:

The proposed 114 foot long pier at 204 Salisbury will cut Head of Bay Cove in two, making navigation by the current users difficult if not impossible. As a long-time property owner, I am concerned about this pier eliminating my navigational rights. Our family loves to sail, and five generations have now learned sailing in this cove. Construction of this pier will severely curtail this opportunity this in the future. As previously noted, due to the shallow depth and sandbars, sailboats only operate in this cove with centerboards up — a condition which requires more room to navigate than will be available with this pier.

As concerned as I am about my navigation rights as a property owner, the rights that this pier will most infringe on are public rights.

Public access to this cove occurs at two points: at Dodd Avenue in Rehoboth, where persons may slip their own small boats into the water, and at Delmarva Board Sports Waterfront Concession in Dewey, where the public rents paddleboards, kayaks and windsurfers. The rentals at Delmarva Board Sports are extremely popular. In recent years, Head of Bay Cove has been filled with people out enjoying these waters with the paddleboards, kayaks and windsurfers they have rented from Delmarva Board Sports. It is common to see entire families out renting equipment. Because Head of Bay Cove is so shallow, self-contained, and far from the inlet, it is the safest place in Rehoboth Bay for children to learn waterboard sports. Approval of this pier, which will bisect Head of Bay Cove, will heavily restrict and will likely eliminate use of the cove by the public.

Alternatives to Accomplish the Objectives:

Because the draw in Head of Bay Cove is so shallow, property owners in the cove who have wanted powerboats such as the type Mr. Humphrey owns have rented slips in nearby marinas.

Prior Approval of Piers:

In the hearing of April 30th, Evelyn Maurmeyer, of Coastal and Estuarine Research who had been hired by the applicant, concluded her testimony in favor of permitting the pier on two

facts: "We are in compliance with the all regulations. Other structures similar or larger in size have been permitted."

While it is entirely true that larger structures near the applicant have been permitted, the pertinent fact missing from the testimony is that these structures extend into Rehoboth Bay, and not into the shallower Head of Bay Cove.

Of note for the purposes of navigation is that one of these structures extends 240 feet into Rehoboth Bay in order to reach navigable water. In contrast, the property at 204 Salisbury would need to extend 400 feet simply to exit Head of Bay Cove before reaching the slightly deeper water of the rest of the Rehoboth Bay. Other residential docks within the cove are less than forty feet.

Main Points:

In conclusion, I respectfully request that the Delaware Department of Natural Resources and Environmental Control deny this request for the pier at 204 Salisbury for the following reasons:

- Head of Bay Cove is not navigable by the type of powerboat for which the pier is proposed.
- The pier will interfere with the navigation rights of the public.
- The pier will restrict the only contained, shallow and safe place within Rehoboth Bay for children to learn board sports.
- The pier will interfere with the navigation rights of current property owners who need the space to maneuver sailboats.

Thank you for your consideration.

Sincerely,



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